

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

**CIVIL BENCH TRIAL**

Owner-Operator Independent Drivers Association, et  
al.,

Plaintiffs,

v.

Mark Dunaski, et al.,

Defendants.

**COURT MINUTES**

Case Number: CV. 09-1116 DWF/RLE

Date:	September 20, 2010
Court Reporters:	Jeanne Anderson Carla Bebault
Time Commenced:	9:06 a.m. / 1:30 p.m.
Time Concluded:	12:15 p.m. / 5:15 p.m.
Time in Court:	6 Hours & 54 Minutes

Trial before Donovan W. Frank, United States District Judge, at St. Paul, Minnesota.

**APPEARANCES:**

For Plaintiff: Paul Cullen, Sr., Paul Cullen, Jr., Daniel Cohen, James Johnston, Albert Goins  
For Defendant: Marsha Eldot, Devine, Thomas Vasley

**PROCEEDINGS:**

- Jury Selection.**
- BENCH Trial - Began.**
- BENCH Trial - Ended**
- Jury impaneled (File list of jurors).
- Opening statements.
- BENCH Trial Held.**
- Trial continued to September 21, 2010.
- Plaintiff's witnesses: Douglas Thooft, Major Kent O'Grady
- Defendant's witnesses:
- Plaintiff rests.       Defendant rests.
- Closing arguments.
- Jury received case at.
- Jury resumed deliberations on.
- Jury returned at without verdict. IT IS ORDERED: to separate and to return and resume deliberations on.
- Verdict Rec'd at for:
  - Plaintiff
  - Defendant
- Court's Ruling:
  - Judgment in favor of Plaintiff.
  - Judgment in favor of Defendant.

IT IS ORDERED:

- Oral motion to dismiss for judgment as a matter of law.
- Clerk to file Verdict and enter Judgment.
- Clerk to file Verdict, but withhold entry of Judgment until further order.
- Clerk to file Order.
- Clerk to file Order and enter Judgment.
- Clerk to enter Judgment.
- Written order forthcoming.
- Case submitted.

CLERK'S USE ONLY:

- Number of trial days with evidence - .
- Exhibits returned to counsel or parties.

s/B. Schaffer  
Signature of Calandar Clerk